IN THE HIGH COURT OF DELHI

Bail Application No.2049/2007

Sumesh ..... Petitioner

VERSUS

$ State ..... Respondent

Bail Application No.2050/2007

Ram Chander & Anr. ..... Petitioners

VERSUS

$ State ..... Respondent

! Present: Ms.Urmil Sharma and
Mr.O.P.Sharma for the petitioners.
Mr.Jaideep Malik for the State.
Complainant in person.

% DATE OF DECISION: 03.10.2007

CORAM:

* **Hon'ble Mr.Justice Pradeep Nandrajog**

1. Whether reporters of local papers may be allowed to see the judgment? Y

2. To be referred to the Reporter or not? Y

3. Whether judgment should be reported in Digest? Y

: **PRADEEP NANDRAJOG, J.**

FIR No.614/07 dated 27.8.2007
under Section 498-A/406/34 IPC
PS Mehrauli.

1. Petitioner of Bail Application No.2049/2007 is the sister of the husband of the complainant. She is married and lives

with her husband in village Mohammedpur.

2. Petitioners of Bail Application No.2050/2007 are the father-in-law and mother-in-law respectively of the complainant.

3. All petitioners seek pre-arrest bail.

4. Complainant Mamta was married to Kuldeep Kumar on 13.2.2005. She alleged in the complaint to the police that her in-laws use to harass her for dowry. Not only did she name her husband, her father-in-law and her mother-in-law but even implicated the elder brother of her husband and also the younger brother of her husband as also one Raju the person named by her as the mediator i.e. who arranged the marriage. Wife of the elder brother of the husband of the complainant was also implicated.

5. The FIR contains the usual story of harassment.

6. It would be relevant to note that on 20.1.2007, two other FIRs being FIR No.30/07 and FIR No.31/07 PS Kapashera were registered.

7. FIR No.30/07 is under Section 323/341/308/34 IPC. It has been lodged by Bhupender Kumar the brother of the complainant. FIR No.31/07 has been lodged by Sumesh, petitioner of Bail Application No.2049/2007. The FIR has been lodged under Section 342/354/34 IPC.

8. Whereas Bhupender Kumar has alleged that he had gone to the house of the in-laws of his sister to sort out her matrimonial problem, Sumesh has alleged that Bhupender and his

father Rajender Kumar came to the house when she was alone. Finding her alone in the house they attempted to molest her stating that they would do such act on her person. That she will not be able to face the world.

9. It is urged by learned counsel for the petitioners that the instant FIR i.e. FIR No.614/07 has been lodged just to pressurize Sumesh and all members of the family of the in-laws.

10. On being questioned, the complainant states that the family of her in-laws did not trouble Laxmi, wife of Pradeep, the elder brother of her husband.

11. Pradeep and Laxmi are present in Court. On being questioned, they state that the complainant was having temperamental differences with her husband.

12. The complainant refutes this and asserts that all members of the family of the in-laws were harassing her.

13. It would be relevant to note that Pradeep and his wife are residing separately.

14. The allegations in the FIR are general and directed against all members of the family of the in-laws.

15. Prima facie, I find it difficult to understand as to how the married elder brother of the husband of the complainant and his wife who are staying separately would benefit from the dowry which the complainant might bring along with her. Similarly, what benefit would the married daughter of the family get if the

daughter-in-law brings any extra dowry.

16. Even Raju the mediator has been implicated.

17. Surprisingly, in the complaint, complainant has ended by requesting the police to take action against one Rajinder who is stated to be a neighbour of her in-laws.

18. How would Rajinder gain by harassing complainant remains a mystery?

19. As is documented in various judicial pronouncements, the FIR in question is another in the line where all the members of the family of the in-laws have been implicated. Even a neighbour and the person who acted as a mediator when matrimonial bond was finalized between the parties have been implicated.

20. Truth will emerge at the trial. This would need evidence to be recorded.

21. I do not find any circumstances warranting a custodial interrogation of the petitioners.

22. The petitions are accordingly disposed of directing that in the event of the petitioners being arrested by the investigating officer, the petitioners would be released on bail by the investigating officer on their furnishing a personal bond in sum of Rs.10,000/- each with one surety each in the like amount to the satisfaction of the investigating officer in the afore-noted FIR.

23. Needless to state, petitioners shall cooperate with the

investigating officer in the investigations in the afore-noted FIR.

24. Copy of the order be supplied dasti to learned counsel for the petitioners.

October 03, 2007 **(PRADEEP NANDRAJOG)**
DK **JUDGE**